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PATENT

Customer Number 22,852
Attorney Docket No. 7528.0002-15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS AND TRADEMARKS
Washington, D.C. 20231

Prior Application Art Unit: 3762 Prior Application Examiner: Unknown

SIR: This is a request for filing a

Continuation Continuation-in-Part Divisional Application under 37 C.F.R. § 1.53(b) of pending prior Application No. 09/985,361 filed November 2, 2001 of Cyril J. SCHWEICH, Jr. et al. for HEART WALL TENSION REDUCTION APPARATUS.

1. Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior Application No. 09/985,361 as originally filed on November 2, 2001, which is incorporated herein by reference, including the original Combined Declaration/Power of Attorney filed on January 23, 2002 in response to a Notice to File Missing Parts.
2. Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 122(b)(2)(B)(i).
3. Cancel Claims [Text].
4. A Preliminary Amendment is enclosed.
5. The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 5 above.

| Basic Application Filing Fee | | | | | \$740 | \$ \$740.00 |
|---|------------------|---|-------|--------------|--------|-------------|
| | Number of Claims | | Basic | Extra Claims | | |
| Total Claims | 25 | - | 20 | 5 | x \$18 | 90.00 |
| Independent Claims | 2 | - | 3 | 0 | x \$84 | 0 |
| <input type="checkbox"/> Presentation of Multiple Dep. Claim(s) | | | | | +\$280 | - |
| Subtotal | | | | | | \$ 830.00 |
| Reduction by 1/2 if small entity | | | | | | - 415.00 |
| TOTAL APPLICATION FILING FEE | | | | | | \$ 415.00 |

J1132 U.S. PTO
02/14/02

J1017 U.S. PRO
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6. A check in the amount of \$415.00 to cover the filing fee is enclosed.
7. The Commissioner is hereby authorized to charge any fees which may be required, including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
8. Amend the specification by inserting on page 1, between lines 1 and 2, the following new paragraph:

This is a continuation of U.S. Application No. 09/985,361, filed November 2, 2001, which is a continuation of U.S. Application No. 09/697,597, filed October 27, 2000, now U.S. Patent No. 6,332,864, which is a continuation of U.S. Application No. 09/492,777, filed January 28, 2000, now U.S. Patent No. 6,162,168, which is a continuation of U.S. Application No. 08/778,277, filed January 2, 1997, now U.S. Patent No. 6,050,936, all of which are incorporated herein by reference.--
9. New formal drawings are enclosed.
10. The prior application is assigned of record to: Myocor, Inc., by assignment recorded on January 2, 1997, at Reel No. 8388, Frame No. 0776. A copy of the Notice of Recordation Assignment is on file in the prior Application Nos. 09/492,777 and 08/778,277.
11. Priority of application Serial No. [Text], filed on [Text] in [Country] is claimed under 35 U.S.C. § 119. A certified copy
 is enclosed or is on file in the prior application.
12. Small entity status is appropriate and applies to this application.
13. The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter,

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14. The power appears in the original declaration of the prior application.
15. Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
16. Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852**.
17. Recognize as associate attorney Susanne Tinker, Reg. No. 44,472

16. Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852.**
17. Recognize as associate attorney Susanne Tinker, Reg. No. 44,472

18. Also enclosed is Information Disclosure Statement and PTO-1449

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, Application No. 09/985,361, filed November 2, 2001, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 14, 2002

By: 
Leslie I. Bookoff
Reg. No. 38,084